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ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	H-01	INRE-00	INR-01	L-03	ADS-00	NSAE-00	NSCE-00
	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	
-----65AE03					241427Z /38		

R 241332Z SEP 92

FM AMEMBASSY KIGALI

TO SECSTATE WASHDC 1863

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY BRUSSELS

AMEMBASSY BUJUMBURA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KAMPALA

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 04006

E.O. 12356: DECL:OADR

TAGS: PREL, RW

SUBJECT: ARUSHA III: INTERNAL OPPOSITION

- ARTICULATED

1. C - ENTIRE TEXT.

SUMMARY

2. IN A MEMO TO THE PRIME MINISTER, THE MDR, PL AND
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PSD LEADERS HAVE SHARPLY CRITICIZED THE GOVERNMENT'S HANDLING OF THE ARUSHA TALKS. THEY PROPOSE PROCEDURAL CHANGES TO INVOLVE THE PARTIES IN THE NEGOTIATIONS, AND MAJOR CHANGES IN THE GOVERNMENT'S PROPOSAL CONCERNING THE CONSTITUTION, A NEW LEGISLATIVE BODY, AND A NATIONAL CONFERENCE. ALMOST SIMULTANEOUSLY, THE PRESIDENT SENT A LETTER TO THE PRIME MINISTER ALLEGING THAT THE NEGOTIATORS MAY HAVE EXCEEDED THEIR AUTHORITY IN OFFERING CHANGES TO THE LEGISLATIVE AND JUDICIAL BRANCHES, AND ASKING THE PRIME MINISTER TO BRING THE TEAM HOME FOR

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CONSULTATION. THE PRIME MINISTER AND FOREIGN MINISTER, BOTH NOMINATED BY MDR, SEEM CLOSER TO THE PRESIDENT THAN TO THEIR OWN PARTY ON THE ARUSHA NEGOTIATIONS. END SUMMARY.

3. IN A MEMORANDUM DATED SEPTEMBER 16, THE LEADERS OF THE MDR, PSD AND PL OFFERED CONFIDENTIAL ADVICE TO THE PRIME MINISTER IN A HIGHLY CONFRONTATIONAL TONE. THIS MEMORANDUM SURFACED THIS WEEK, PROBABLY LEAKED BY SOMEONE IN THE PRIME MINISTER'S OFFICE, AND WAS GIVEN TO US BY THE PRESIDENCY. IT IS WORTH NOTING THAT THIS POSITION WAS HAMMERED TOGETHER BEFORE THE OUTCOME OF ARUSHA III.A WAS KNOWN. IT REFLECTS VERY SERIOUS CONCERNS WHICH WE WERE HEARING FROM THE PARTIES AS THE ARUSHA PROCESS CONTINUED LAST WEEK.

THE CONSTITUTIONAL QUESTIONS

4. THE THREE PARTIES REJECTED OUT OF HAND THE RPF REQUIREMENT FOR A NATIONAL COMMISSION OF
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RECONCILIATION WHICH WOULD COMBINE LEGISLATIVE AND EXECUTIVE POWERS.

5. THE PARTIES STATE THAT GIVEN THE NEGATIVE EXPERIENCE THEY HAVE HAD WITH THE TRANSITION GOVERNMENT, THEY BELIEVE THAT THE CURRENT CONSTITUTION IS AN OBSTACLE TOWARD A TRANSITION TO DEMOCRACY.

6. TO REPLACE THE CONSTITUTION THEY PROPOSE A NEGOTIATED CHARTER UNDER WHICH THE GOVERNMENT WOULD FUNCTION UNTIL GENERAL ELECTIONS. THE PARTIES HAVE CREATED A COMMITTEE TO PREPARE A DRAFT OF SUCH A CHARTER.

THE LEGISLATIVE BODY

7. THE PARTIES' PAPER PROPOSES THE DISSOLUTION OF THE CND AND ITS REPLACEMENT BY A PROVISIONAL LEGISLATIVE BODY. THIS BODY WOULD BE COMPOSED OF APPOINTED MEMBERS FROM THE FIVE PARTIES NOW IN THE GOVERNMENT AND THE FPR WITH A COMPOSITION OF 11 MEMBERS FROM EACH OF THE SIX APPOINTING PARTIES.

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NATIONAL CONFERENCE

8. THE PARTIES CALLED FOR THE CONVENING OF A
NATIONAL CONFERENCE TO DEBATE THE GREAT PROBLEMS OF
THE SOCIETY AND TO PREPARE A DRAFT CONSTITUTION TO BE
SUBMITTED TO A REFERENDUM BEFORE THE NEXT ELECTIONS.

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9. THE PARTIES CALLED FOR A TRANSITION PERIOD OF 12
TO 24 MONTHS FROM THE DATE OF THE INSTALLATION OF THE
TRANSITION GOVERNMENT WHICH INCLUDES THE RPF.

PROCEDURAL ISSUES

10. THE PARTIES' MEMORANDUM MADE THREE COMPLAINTS ON
PROCEDURAL GROUNDS, ALL OF WHICH SEEMED POTENTIALLY
SATISFIABLE BY THE GOVERNMENT. THEY INCLUDED A
DEMAND FOR DOCUMENTS BEFORE THE START OF THE NEXT
NEGOTIATIONS, A REQUEST FOR REPRESENTATION ON THE

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C O N F I D E N T I A L SECTION 02 OF 02 KIGALI 04006

E.O. 12356: DECL:OADR
TAGS: PREL, RW
SUBJECT: ARUSHA III: INTERNAL OPPOSITION

NEGOTIATING TEAM, AND A PROPOSAL FOR A FOLLOW-UP TEAM
COMPOSED OF A MINISTER OF EACH PARTY WHO WILL MEET
EVERY OTHER DAY WITH THE PRIME MINISTER DURING THE
NEXT STAGE OF NEGOTIATIONS.

THE PRESIDENT'S LETTER
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11. APPARENTLY INSPIRED BY THE SAME COMMUNICATIONS
PROBLEM THAT TROUBLED THE PARTIES, THE PRESIDENT ALSO
WROTE TO THE PRIME MINISTER ON SEPTEMBER 15 OR 16.
HIS LETTER IS MORE DIPLOMATIC AND HAS NOT YET LEAKED,
ALTHOUGH WE HAVE SEEN A COPY. IT ALLEGES THAT THE
NEGOTIATORS WERE AUTHORIZED TO DISCUSS RPF
PARTICIPATION IN THE GOVERNMENT, NOT IN THE
LEGISLATIVE OR JUDICIAL BRANCHES. IT INSISTS ON
MAINTAINING THE CONSTITUTION, AND ASKS THE PRIME
MINISTER TO BRING THE TEAM HOME FOR CONSULTATIONS.
THE PRESIDENT WAS ALSO UPSET BY THE PROPOSAL TO HAVE
THE PEACE ACCORD TAKE PRECEDENCE OVER THE
CONSTITUTION IN CASE OF A CONFLICT, BUT WE ARE NOT
SURE OF THE EXTENT TO WHICH THAT PROBLEM FIGURED IN
HIS LETTER.

COMMENT

12. THE FACT THAT THE PRIME MINISTER AND THE FOREIGN
MINISTER ARE BEING CRITICIZED FROM BOTH SIDES MAY
MEAN THEY ARE DOING SOMETHING RIGHT, BUT THE SIZE OF
THE GAP BETWEEN THE TWO SIDES IS CAUSE FOR CONCERN.

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THE SHARP MEMO FROM THE PARTY LEADERS SHOWS AN APPALLING LACK OF COMMUNICATION BETWEEN THE PARTY LEADERS AND THEIR REPRESENTATIVES IN THE GOVERNMENT. THE FACT THAT THE PARTIES TRIED TO KEEP THEIR MEMORANDUM CONFIDENTIAL IS A HOPEFUL SIGN. CLEARLY THEY WERE TRYING TO PUT AS MUCH PRESSURE AS POSSIBLE ON THE PRIME MINISTER TO SEE THEIR POINT OF VIEW WITHOUT BACKING THEMSELVES INTO A CORNER. THE

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DISTRIBUTION OF THE DOCUMENT HAS EMBARRASSED THEM.

13. THE APPARENT DEMAND FOR A CHANGE IN THE CONSTITUTION IS SEEN BY THE PRESIDENT'S PARTY AS AN ATTEMPT BY THE OTHER PARTIES TO RENEGE ON THEIR AGREEMENT OF APRIL 1992. IT ALSO DIFFERS DRAMATICALLY FROM WHAT THE PARTIES TOLD US AS RECENTLY AS A WEEK AGO. THEN THEY WERE KEEN TO DEVELOP A NEW PROTOCOL OF AGREEMENT WITH THE MRND, BUT SAID THEY WOULD NOT INSIST THAT NEGOTIATIONS WITH THE RPF BE THE VEHICLE FOR CHANGING THE CONSTITUTION.

14. THE OPPOSITION PARTIES AND THE GOVERNMENT ARE A LONG WAY APART AND HAVE ONLY A LIMITED TIME IN WHICH TO TRY TO RESOLVE SOME OF THEIR DIFFERENCES. I EXPECT TO SEE THE PRESIDENT SOMETIME THIS WEEK TO EXPLORE HIS VIEWS ON THE NEXT ROUND AT ARUSHA. END COMMENT.
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